

VILLAGE OF ANTIOCH
PLANNING AND ZONING BOARD
THE BOARD ROOM, VILLAGE HALL
874 MAIN STREET, ANTIOCH, ILLINOIS

February 9, 2006

CALL TO ORDER: The meeting of the Antioch Planning and Zoning Board was called to order by Chairman Burdick at 7:30 p.m. in the Board Room at Village Hall, 874 Main Street, Antioch, Illinois 60002.

ROLL CALL: Roll call indicated the following members were present: Ipsen, Kaiser, LaReese, Keller and Baba. Member Cole was absent this evening. Also present were Chairman Burdick and Village Attorney Magna.

MINUTES: No minutes were available for this evening's meeting.

ANNOUNCEMENTS: Mr. Robert Silhan announced that another meeting will be scheduled for February 23.

OLD BUSINESS: PZB 05-13; Requested preliminary PUD plan within the existing R-1, Single-family District; 300 new single-family homes plus one existing mansion on 156 Acres (+/-); west side of U.S. Route 45 approximately two-thirds mile north of Illinois Route 173; and immediately east of the Deercrest-NeuHaven PUD at Sandy Drive, as extended; PIN 02-11-300-005 and 02-11-400-005.

DISCUSSION: Mr. Shapiro explained that since the last meeting they have provided an executed school donation agreement, indicated an agreement with the park board relative to the donation for the park land and the equipment, provided information regarding off-site utilities, provided an IDNR report, a revised plat and revised preliminary engineering.

Attorney Magna asked when the revised preliminary plat and revised preliminary engineering was brought in.

Mr. Shapiro responded that 25 copies were brought in on the 10th.

Mr. Shapiro mentioned that a copy of the warranty deed was brought in with regards to the purchase of the Michelle Drive extension or the Doolittle property and asked if it could be part of the record.

Mr. Ulatowski stated that there was an issue regarding block lengths being too long, mainly running along the gas line easement. An additional road has been added to cross the gas line easement, now all block lengths are down to the required length, he further explained.

He referenced the stub streets that were shown going to the property line. He mentioned that those stub streets now have cul-de-sac balls added to the end and the right-of-way has been extended from the cul-de-sac ball to the property line. If in the future they are extended, the right-of-way would exist and go straight through. It has not been cut off

with a cul-de-sac ball, an additional right-of-way has been added, to what would go to the property owner, he further mentioned.

Attorney Magna asked if, for the record, a reduced plat was distributed as the preliminary plan for White Tower Farms dated 02/09/06.

Mr. Ulatowski replied that they took the original plan and made it into one drawing instead of the two which was submitted.

Attorney Magna asked if it was submitted to staff.

Mr. Ulatowski explained that this is just an exhibit of the plan that was submitted in January.

Mr. Ulatowski pointed out the two connections to the North. Lot 306 is a reserve parcel, which is in the Village of Antioch, is there in case a road is desired in the future, he mentioned.

He clarified that the width of the parcel is there for two reasons. If a road goes through, there should be enough land to give the adjoining lots on either side enough room to make them corner lots. There is enough land reserve for a road and to give 25-foot-wide parcels to either adjoining lot, if the road goes through.

Attorney Magna asked if it would be designated for future right-of-way.

Mr. Ulatowski responded yes, and on the engineering there isn't a house shown nor is it shown as a buildable lot.

Attorney Magna asked if it is going to be reserved or dedicated.

Mr. Ulatowski answered that if there isn't a road through then it wouldn't be dedicating it. If there is a road through then it would be dedicated but that is not something we can control at this point, he further explained.

He mentioned the path being proposed up the gas pipeline. In the redo of the plan, a park along that parkway in the solid stand of woods was created. Two or three acres of woods could be saved, which is parcel 310. As the gas easement goes through, it is the pop off the gas easement that would be left as open space, he explained.

Mr. Ulatowski pointed the collector roads which have been revised on the plan that made road two, road three, which comes up to the north, road six and the stub on road nine collector roads. They have been done as 66-foot wide with 37-foot pavements, which staff recommended if there was over 60 lots coming to a road that a collector would be preferred, which that requirement has been met, he further pointed out.

He further pointed out that road also has a minimum center line radius of 300 feet, which is the ordinance for collectors. All of the rest of the streets in the subdivision have a minimum center line radius of 200 feet and the ordinance has been met completely. The reconfiguration of the park site got a little bigger, up to 5.9 acres, and has been placed in one location so it is one park and not separated, he further mentioned.

Mr. Ulatowski clarified that the additional trees in the buffer on the west property line were not shown. As part of the landscape plan, there is an existing heavy fence line plantings. The proposal is to leave those instead of removing them and replanting. The existing fence row seemed to be heavy enough to meet the requirement and it made sense not to remove it, he further mentioned.

He explained that the storm sewer inside the 10-foot buffer around the whole project was moved so that it wasn't interfering with the trees. The storm sewer was moved a minimum of 15 feet in and sometimes more to protect the existing trees which is the 10-foot buffer around the entire PUD.

PUBLIC COMMENT:

The recording secretary read the public hearing notice and administered the oath to the public.

DISCUSSION:

Attorney Magna asked if the staff requested the changes that were made to the plat or if they unilaterally better fit the plan.

Mr. Ulatowski replied that the changes were in response to the original review letter received at the December meeting.

Attorney Magna inquired if there was any action taken from the more recent review letter on the preliminary plan.

Mr. Ulatowski responded no because they just received that letter earlier in the week.

Attorney Magna mentioned that he would like to make it clear as to the state relative to those comments.

Mr. Ulatowski replied that on those comments it is believed they are in compliance or can comply with all of them.

Attorney Magna asked if he was going to address those this evening.

Mr. Ulatowski replied that they can be addressed but believes they have been met. He continues to say there was some confusion on the center line radiuses on road two stating it was not 300 feet but it really is. There was some confusion on how it was interpreted but all of the ordinance requirements have been met, some of the engineering recommendations will be discussed with the engineer, he further stated.

Attorney Magna asked every one of them.

Mr. Ulatowski responded yes.

Attorney Magna asked Mr. Robert Silhan if all of the ordinance requirements have been met.

Mr. Silhan answered that most of the outstanding items are engineering related, in particular, the question of water capacity to service the development.

Attorney Magna asked if water capacity is required by ordinance in order for a plan to be approved.

Mr. Silhan responded certainly.

Attorney Magna asked if anyone from staff or consulting can address water capacity issues.

Ms. Chris Caldarella from Smith Engineering explained that she has 25 years of experience and is a registered engineer in California, Wisconsin and Illinois. The water system that Neumann Homes is using for Clublands was designed only for their property. A 16-inch water main going even further up over elevations and higher up and over the ground, there would be a problem with pressure when you get to the end of that line. There is a problem with redundancy, in case there is a break in that line and no other way to get water to the subdivision, she further explained.

Attorney Magna asked if she designs water systems or if she works on water systems for subdivisions.

Ms. Caldarella responded that she does not but Kevin Flood does, he wrote the memo, dated February 6th.

Attorney Magna asked if she was familiar with the capacity calculations.

Ms. Caldarella replied yes.

Attorney Magna asked if that could be reiterated for the record, the letter from Smith Engineering Consultants, consultants with the Village of Antioch. It is signed by Mr. Kevin M. Flood, PE, technical manager, senior project manager, noted as job number ANTI – 040896.01-7. He then asked if a summary from that letter could be given on capacity conclusions.

Ms. Caldarella described the water analysis, the size of wells required to meet maximum daily demands are 220 gallons per minute and another well is needed for redundancy. This would allow the necessary storage for phase I of the project. An estimated fire flow of 1,500 gallons per minute for the development and a total of 233,000 gallons. A recommendation that 300,000 gallons be provided on-site, she explained.

Attorney Magna inquired about the production on-site.

Ms. Caldarella explained it would be produced from the wells or it could be fed through the 16-inch, they could share. It could be an act-alone system, stand alone system for the project, she further explained.

Attorney Magna asked 330,000 gallons.

Ms. Caldarella suggested that is the recommended amount for storage.

Attorney Magna asked about the fire flow and the purpose of the fire flow.

Ms. Caldarella responded that it is usually based on the time and the type of building. Generally, for single-family residents separated by a certain amount of feet, you need 1,500 gallons per minute for two hours to fight a fire, she further explained.

Attorney Magna asked if this is so the pumper truck can connect the hydrants and pour water onto the fire.

Ms. Caldarella mentioned without everybody else not having any water while a fire was being put out.

Attorney Magna asked if there has been a proposal submitted for adding additional water capacities and pressures in any of the preliminary engineering that has been submitted.

Ms. Caldarella replied no.

Mr. Cortesi stated they received the memo February 6th so they haven't had time to address the water issue but it will be addressed at the final engineering stage.

Mr. Dennis Cortesi, Managing Partner of the Residential Land Fund, explained they spoke to the Village of Antioch and with engineering in 2004 but it was regarding the annexed portion of the property, the inclusion of the surrounding property as a potential annexation which was a much larger parcel with different circumstances. The water problem was not being avoided and it is understood that it needs to be addressed but it is a final engineering issue, he further explained.

Ms. Caldarella added that she has concerns with the siting of a water tower and wells.

Mr. Ulatowski responded that there is plenty of open space to put a tower on. They were told to connect to the 16-inch main on 173, which is what the engineering now shows, that is the purchase of the off-site easement. It wasn't the intent not to do the water. The impression was made that it was an overall solution that was going to be done overall in town; not specific to their site, he stated.

Attorney Magna asked when that was.

Mr. Ulatowski stated it was October of '05.

Attorney Magna asked if anyone had done a water analysis.

Mr. Ulatowski replied it was being done by the city's consultant and they were still working on the analysis.

Mr. Cortesi stated they intend to address the water issue.

Attorney Magna explained that with the approval of the preliminary plat there are certain rights that come along with it. It is somewhat typical that every preliminary plat has certain conditions to it because a hundred percent of the details can't be addressed otherwise it would be a final plat, he stated. But with something as substantive as this, water capacity issues, whether additional well or wells are needed, storage, size of storage, where it is to be located in a plan that had been configured without any consideration of that, it has been represented as certain acreage of open space that now may need to be consumed for purposes of tower location or pump house, well location, treatment facility. Even though preliminary, it needs to be adequately portrayed depending on where the water is located, he further explained.

Mr. Cortesi answered yes. He goes on to explain there is 20 acres of additional open space and they are ready to have the preliminary plat condition on the adequacy of the water supply based off of the understandings and agreements made with Antioch and Smith Engineering for final engineering.

Attorney Magna asked how he knows the water is under those 20 acres. The wells have to produce at a certain gallon per minute. He continues to ask if there have been test wells out there.

Mr. Ulatowski replied no but stated there is enough flexibility in the plan to be able to move things around because the maximum number of units was not asked for in the plan. There is open space which units can be put on, and enough flexibility in the plan to put a tower in, two lots of area will be needed, he explained.

Attorney Magna asked why a configuration be approved on a preliminary basis that gives certain rights to that configuration if it winds up that a well and a tower are in the middle of a block.

Mr. Cortesi responded that is why it's called a preliminary plat; it can be reconfigured and easily brought to a conclusion. There will be minor changes to the final plat, he explained.

Attorney Magna asked if final approval of a preliminary plat was being sought or a preliminary approval of a preliminary plat.

Mr. Cortesi replied the ordinance doesn't provide a distinction between the two. A preliminary PUD, in accordance with what the ordinance states, is what is being requested.

Attorney Magna explained that preliminary approval provides certain rights to go forward. The whole task of this process is to get the major items addresses, not finally engineered, he further explained.

Mr. Cortesi stated that they are prepared to accept conditions on the preliminary plat.

Attorney Magna asked if eliminating the areas that are no touch, such as the wetlands, a significant area of open space would still be available.

Mr. Ulatowski responded absolutely.

Attorney Magna mentioned that the pump house and well may affect the configuration within the PUD.

Mr. Cortesi replied if it affects one of the lots, the site plan will be reconfigured. It's not assumed that it will be in the 20 acres of open space, but the plan has a great deal of flexibility because the maximum number of lots is not requested.

Attorney Magna stated that a PUD is being asked for, a PUD within the ordinance talks about elements, benefit to the community, etcetera. Putting a tower in the middle of the

block might affect judgment on the part of the commissioners as to why it is up to the developer, it should be part of the overall plan he further stated.

Mr. Ulatowski responded that is part of the final engineering, prior to anyone purchasing a home, prior to a final plat, they will be coming back to the Board for approval. If there is a problem at that point and a change has been made then they will work with the Board to fix it, he explained.

Attorney Magna asked if the plan will be reconfigured.

Mr. Ulatowski answered absolutely.

Mr. Cortesi stated they are ready to accept the condition.

Attorney Magna asked even if that condition said your well would have to go into an area not within the present lot configuration as presented.

Mr. Ulatowski replied we would be back to the plan commission for that final approval. We would not be able to do anything without coming back to the Board, he explained.

Attorney Magna explained that anything that is going to bump configuration and cause something to be moved out or something moved over, it may have incidental effects on utility lines or roadways, and is going to be reconfigured on the preliminary plan.

Mr. Cortesi responded that it's just a well and storage facility, incidental effects, which sometimes changes between preliminary plat, final plat and final engineering.

Chairman Burdick asked if there has ever been an instance where a required water system was put in the middle of a subdivision.

Mr. Silhan answered yes, for the Heron Harbor PUD, at the preliminary stage.

Mr. Silhan stated that a water tower should be shown on the preliminary plan, so among other things, the prospective homeowners that do their homework ahead of time know exactly where it's going to go.

Ms. Caldarella explained that Michelle Dr. is a water and sewer easement not used for road purposes.

Mr. Ulatowski mentioned there is a deed and they own the land.

Ms. Caldarella suggested making it a 300-foot radius to a 300-foot radius with a tangent.

Mr. Ulatowski responded that the ordinance specifically stated otherwise. According to the ordinance it is said not to connect to a local street with a collector which is why it was done as a T.

He explained that they were trying not to run traffic into other subdivisions and direct everything out to 45. The ordinance states Michelle is a 66-foot local street, therefore, did not run a collector into it. The ordinance states to make it a circuitous path on those which is what was done.

Ms. Caldarella explained their preference is for the tangent and a 300.

Attorney Magna asked if that can be worked out at the final plat stage.

Ms. Caldarella replied that it would cause some reconfiguring on an intersection and possibly losing two to three lots.

Mr. Ulatowski mentioned that they could possible gain two plus roads, doing the S through there will be fewer roads than the angles.

Ms. Caldarella brought up the IDNR requirements, she stated Mr. Ulatowski said they could meet all the requirements but the developer had not stated that.

Mr. Ulatowski responded they went with IDNR and they are happy to go with them but there is one or two of their requests that are against the subdivision code.

He explained they will meet them with the permission of the Village. The main one involved is the request of the rain gardens in the backyards, which means they would basically be building holes that don't drain, drain out through an underdrain system. This is a violation of the subdivision code, nondraining spots are not allowed.

Attorney Magna asked what the environmental recommendation from the IDNR involves.

Mr. Ulatowski replied rain gardens.

Attorney Magna questioned if the Village development code states that all water must drain from the lots.

Mr. Ulatowski responded that he has never had permission to do anything under one and a half swales, it's not going to be a swale, the spot will not drain, he explained.

Attorney Magna asked about collecting the water and putting it into a central area.

Mr. Ulatowski answered they are IDNR, not storm water management.

Attorney Magna asked why IDNR has an interest in this.

Ms. Caldarella replied because of the proximity to the slough.

Mr. Ulatowski explained that they are a recommending body.

Attorney Magna asked what the purpose of the recommendation is.

Mr. Ulatowski responded that the rain gardens are to increase the amount of ground water infiltration. The main idea for them is to slow the water down and get it back into the ground, not to have it run off to detention facilities, he explained.

Attorney Magna asked if that was to control run-off in siltation.

Mr. Ulatowski answered no, it is for water quality.

Attorney Magna replied that he thought silt affects water quality.

Mr. Ulatowski responded that it is not siltation; it is after a project is built.

Attorney Magna asked if it was for sedimentation control.

Mr. Caldarella answered more like fertilizers or pesticides.

Attorney Magna mentioned this can be done on a lot-by-lot basis.

Mr. Ulatowski explained that they are proposing on the rear lot lines where there normally would be a swale to have those lots come down, across the lot normally, have a little bump in the swale so the water can't get out in a small storm. In a major storm, it goes right over the bump and no-one will get flooded, he further explained.

He mentioned that in the small storms, the half inch, little rain storms, the water will sit. Instead of a storm sewer an underdrain down every backyard would be put in to drain it out. It would have to go through the ground to get to the underdrain, he further mentioned.

Ms. Caldarella asked if the developer would concede to do that as well.

Mr. Cortesi responded yes.

Ms. Caldarella asked about contact with the gas pipeline people in regards to putting roads and utilities under the gas pipeline.

Mr. Ulatowski explained that when West Shore Gas purchased the easement there was an easement agreement. In that easement agreement it stated that roads could cross where necessary. Anything can be built on top of it that does not negatively impact their thing. The gravel can not be put there, but they can do a crushed gravel path, walking path, which will meet everyone's requirement, he stated.

Attorney Magna asked how deep the gas main is.

Mr. Ulatowski replied that it is three foot of cover.

The copy of the gas main pipeline easement was entered into the record.

Ms. Caldarella mentioned that there were not any resubmittals of the traffic impact study. The Village is within their rights to ask for a right and left turn lane whether IDOT requires it or not. The strategic regional arterial, if the detention basin meets the setbacks are required, she further mentioned.

Mr. Ulatowski responded that the detention basin is set back about 50 feet so the ability to move the detention basin in is there, the State states how far the detention basin has to be off the right-of-way, those requirements are met and can meet them up to a 30 to 40 foot dedication.

Attorney Magna asked if a drain tile survey was done.

Mr. Ulatowski replied that yes and prior to cutting off Mr. Doolittle's drain tiles an alternative drainage path will be created before they tie them into the storm sewer. The final engineering will reflect connection to all drain tiles on the site, he continued.

Attorney Magna asked about flood zone designation, delineations of low areas and possible wetlands.

Mr. Ulatowski explained that wetland delineation was submitted to the wetland consultant. The FEMA floodplain is fully within parcel 30; it is being avoided with all of the detention. There are no lots in the floodplain, he further explained.

Ms. Caldarella mentioned that the public utility easement is ten feet; it is shown as five.

Mr. Cortesi replied that ten feet in the front would not be a problem.

Ms. Caldarella asked if the IHPA was submitted.

Mr. Ulatowski responded that a copy was signed-off and submitted.

Attorney Magna explained that a note will need to be added stating that the streetlights and signage is the developer's responsibility.

Mr. Cortesi answered yes.

Mr. Caldarella mentioned that, for the record, the developer is responsible for the electricity for the lights.

Mr. Ulatowski replied yes.

Attorney Magna stated that the lift station needs to be dedicated to the Village.

Mr. Ulatowski responded that it is shown; it just doesn't have a parcel around it because it has not been designed yet.

Attorney Magna asked if the rear yard storm sewer is to be placed outside of the exposed rear yard landscape easements.

Mr. Ulatowski replied there will be 15 feet in and there isn't a buffer because it is not against the property line; they are on the property because there isn't a buffer.

Attorney Magna mentioned that many of the comments can be handled at the final engineering stage, at the next stage before final plat approval.

Attorney Magna asked if there were any more of these items that are stated as not adequately addressed under the drainage storm water review of the engineering plan that could impact the configuration of the preliminary plat.

Ms. Caldarella responded no and suggested that the zoning limits be shown on the preliminary plat.

Mr. Ulatowski responded that it is on the full wetland report, which showed wetlands and buffers.

Attorney Magna mentioned that a 33 x 33 foot easement is shown on lot 10.

Mr. Ulatowski explained it is an existing access easement from one parcel they own to another parcel they own.

Attorney Magna asked if an easement was going to be shown on the final plat to IDNR.

Mr. Ulatowski replied no.

Ms. Caldarella mentioned that the center line radiates typically weren't shown, but can be calculated by averaging the property lines.

Attorney Magna reiterated that the applicant believes they have enough land to accommodate the lane-age requirements that IDOT might request without changing the configuration of the subdivision other than shortening the eastern boundary line with a dedication.

Mr. Shapiro responded yes.

Attorney Magna asked if they go pretty wide with the dedication requirement if that would affect entryway conditions and if it is a divided entry.

Mr. Ulatowski answered yes and it is 150 to 200 feet deep. If they take 20, 30 feet, it's not going to have an effect, he explained.

Attorney Magna asked if the divided portion of the entry will extend westward farther than it is now shown if 30 feet comes off of the east side of it.

Mr. Ulatowski replied the back end, the western end of the widening, will stay where it is presently located.

Attorney Magna asked if that was part of the traffic analysis.

Ms. Caldarella stated it should have been part of the traffic analysis and what storage would be required at the entrance.

Mr. Ulatowski responded the State will control the amount of storage required on-site besides the improvements in the road.

Attorney Magna asked if the tube counts have been submitted.

Mr. Ulatowski replied no.

Ms. Caldarella asked if phasing is anticipated.

Mr. Ulatowski answered that it will depend on what happens with the water and sewer. If water is provided from the south, with no well on the site, it will be phased in one

direction. If a well is provided on-site, the well will determine the phasing because the well and tower will need to be in phase I.

Attorney Magna inquired about the time period.

Mr. Ulatowski replied four years.

Attorney Magna mentioned that a limitation on the phasing and a limitation on the number of years which the phasing can take place might want to be added to the Board's recommendation.

Mr. Cortesi stated there will be an adequate water supply system, have looping and meet all the requirements per the phases when the phasing plan is finished.

Attorney Magna asked if they were prepared to represent how many phases would be needed in the four year period.

Mr. Cortesi responded no more than four phases.

Attorney Magna asked four phases equally, possibly more, but not less.

Mr. Cortesi agreed to that.

Attorney Magna inquired about the source for the 63 average daily traffic count.

Mr. Ulatowski replied that the traffic consultant can provide the source.

Ms. Caldarella explained the only thing that would affect interior would be a traffic impact study being modified to pick up the connection into the other subdivision.

Attorney Magna asked if essentially it was an IDOT issue and then the possible pick up of traffic.

Ms. Caldarella answered right, they need to model for that.

Attorney Magna inquired if it was a local issue.

Ms. Caldarella replied right, that might get us back to the curving concerning Michelle Dr. depending on the traffic study.

Chairman Burdick suggested it be cleared up on the curve because if agreements were made with the staff of the Village then something else shouldn't be imposed on the developer if it was agreed upon previously.

Ms. Caldarella explained that a recommendation was made about putting a 300-foot curve with a tangent and it is being said that the ordinance states collectors shouldn't be taken into minor residential.

Mr. Robert Silhan, Director of Planning, Zoning & Building, stated this was probably discussed at the concept plan stage relative to the comprehensive plan recommendation

that although there should be a connection, it was not intended for it to be a through traffic way.

He explained that looking at NeuHaven's plan, it is configured in such a way to try to discourage through traffic. On the plans they have provided for a curb return so that this north/south road could be extended further south at such time the Doolittle property might develop, so there is not a problem with the configuration.

Attorney Magna asked from a planning perspective if the configuration is acceptable. The general area is pretty flat; it should not pose an intersection sight distance issue. Sight distance check should be performed which can be done at the final plat, he asked.

Ms. Caldarella responded yes and mentioned there isn't a whole lot of room to move it and usually the engineer does take a look at the preliminary.

Attorney Magna brought up the traffic projections for the adjacent parcels, which are to be connected in the traffic impact analysis.

Ms. Caldarella mentioned that going to the collectors helped alleviate some of it.

Attorney Magna stated that per the geotechnical report, it is recommended that additional monitoring in piezometers be needed to establish ground water levels. The design engineers should indicate how high the ground water will be, how high ground water will be addressed as part of the preliminary plan, he further stated.

Mr. Ulatowski answered correct and explained that soil borings on the site which showed where the water levels were submitted. Subject to final location of roads and things, is when the need to go back and do the interested areas because the land plan is needed first.

Ms. Caldarella asked what would be done if ground water difficulties were encountered.

Mr. Ulatowski replied that the building ordinance requires putting perimeter drains around all the basements and a sump pump will be installed and connected.

Attorney Magna inquired about high ground water.

Mr. Ulatowski responded that is what the drain tile fields are for. They are installed around the house to pull the water down into the sump pump and into the field tiles.

Attorney Magna stated that two different things were being talked about here. Ground water that occurs naturally to get it away from the foundation under geologic pressures and high ground water table, meaning that those underground tiles will be covered with water, not just draining water.

Mr. Ulatowski stated that none of the places in which the homes are being constructed are in those zones from the soils. The zones with the high ground water are the open spaces and the wetlands.

Attorney Magna asked if high ground water is encountered as indicated in both the Lake County Soil and Water Conservation District report, if the basements will be waterproofed or there will not be any basements.

Ms. Caldarella asked if basements are to be installed if they will be above the ground water level.

Mr. Ulatowski responded right, in addition to where the ground water level is after development. When you put the sewer lines in, put the water lines, put the sanitary sewer, the tables drop back down and is not an issue. That is something that goes on in final engineering, he explained.

Attorney Magna asked if this was something that needed monitoring.

Mr. Ulatowski responded yes, during construction.

Ms. Caldarella asked if the developer is agreeing to monitor it and accommodate changes to the plan to accommodate ground water conditions.

Mr. Ulatowski replied that they will change the design of the basements and limit basements if ground water is a problem.

Attorney Magna asked if placing the trees on top of utility easements was a problem.

Ms. Caldarella explained they cannot go directly on top of the water main.

Mr. Ulatowski stated the landscape plan will accommodate that.

Ms. Caldarella asked when the park is expected to be built.

Mr. Cortesi responded in phase I.

Attorney Magna explained that the tree preservation is going to have to be addressed. Grading and its effects on tree preservation is part of the analysis going into final. The tables on sheet 1 are too difficult to read and should be summarized as to number of trees removed, number of trees to be saved and number of transplanted trees, he further explained.

He mentioned that there does not appear to be any mitigation for tree removal.

Mr. Ulatowski stated that the mitigation and normal landscaping were not separated. The mitigation trees are shown on the landscape plan as part of the overall tree count on the whole project.

Attorney Magna stated that the most traditional way is to bring in a plat for Phase I and have covenants and conditions which are recorded with the plat prior to the plat, Phase II, et cetera. Covenants and conditions should be required over the entire PUD, not just a phase of the PUD, he further stated.

Mr. Cortesi agreed.

Attorney Magna mentioned that a covenant that states specifically if the homeowners association does not properly maintain repair or replace, that the Village has the right but

not the obligation and to charge the association for its costs and those costs become a lien on each of the lots.

Mr. Cortesi agreed.

Mr. Wayne Blake, 41040 North Ridge Circle, stated that the roads are dead-ended and there is supposed to be dead-end water mains for future expansion. The property is owned and not an easement. A conservation easement will be put in, which will lock it in as conservation so no-one will be able to cross it, he stated. Is the development going to be fenced, he asked.

Mr. Cortesi responded no.

Mr. Blake requested that the Board require some kind of fence to keep trespassers off his property. Besides the sight berm, will there be anything to the north to keep us from seeing the houses and roofs, he asked. He also asked if the county okayed the sewer hookup to the plant in Millcreek.

Attorney Magna replied that has not been done.

Mr. Blake asked if water quality was going to be done before and after the development. The suggestion of a turn lane from the north was also mentioned. The existing wells on the site need to be abandoned, those wells cannot end up underneath a house due to sanitation reasons so the water won't get polluted, he explained.

Mr. Cortesi responded that all laws, codes, the ordinances from the State of Illinois, Lake County, Lake County Storm Water Management and Antioch are going to be complied with.

Chairman Burdick explained that part of it was trees and fencing.

Mr. Ulatowski mentioned that there is a ten foot buffer entry planting along his property to the north because it is a boundary of the PUD.

Frank Johnson, 150 Greenbrier Dr, stated that there have been people trespassing on Mr. Blake's property because the land is beautiful. The codes are a minimum of what a builder has to do to stay out of jail and doesn't understand why a few of the codes relative to fencing to keep people out can't be superseded, he further stated.

He believes that if there isn't some sort of safeguard relative to the ground water run-off, driveways, and people over fertilizing lawns the wetland area cannot handle it. It is dying now with all the major development, he mentioned.

Mr. Ulatowski explained that is what the DNR letter is all about and their recommendations to limit. It includes limiting fertilizers, putting buffers in, water quality and rain gardens which was agreed upon by us as long as the Village agrees, he further explained.

Attorney Magna asked if there were any alternatives to the rain gardens.

Mr. Ulatowski replied no.

Attorney Magna asked if there were other alternatives that would be within the Village ordinance that would satisfy DNR and their concerns.

Mr. Ulatowski responded not to his knowledge or to the knowledge of DNR.

Mr. Blake reiterated that doing a water analysis prior to construction and after, in case there is a problem, can be identified and fixed easily. Wetlands are a good filter for water. It will absorb 98 percent of all impurities, he explained.

Mr. Johnson asked if our sewage treatment plant was at its capacity.

Chairman Burdick responded that doesn't have a bearing on it, but is true.

Attorney Magna explained it was going to the Old Mill Creek plant but it is not approved yet.

Mr. Mark Lubkeman, 42646 N. Linden Ln., stated that we should get the highest quality possible from the developer.

Mr. Silhan mentioned the following documents have been previously distributed, in the clerk's file and distributed to the petitioner:

- Letter dated December 16th, 2003 to Jerome Schain relative to the comments about the county SSA on the sanitary treatment and concern about dry utilities.
- Letter dated April 28th, 2004 to Rick Radwell which mentions a possible well and water tower site.
- Letter dated June 7th, 2004 to Rick Radwell concerning the administrative meeting on a concept plan review, which was held on May 5th, 2004.
- Staff memo, interim report, dated December 2nd, 2005.
- Warranty deed recorded with Lake County on July 11th, 2005 as document no. 5813039, which documented the State's purchase of the 56 acres adjacent to the site.
- The natural resource inventory report from the Soil and Water Conservation District received on October 24th, 2005.
- Letter dated December 8th, 2005 from Doug Ehorn of Ehorn Environmental concerning the wetlands review which found the report to be acceptable and complete under the Corps and local guidance for delineation reports.
- Letter dated December 15th, 2005 from Mr. Silhan to Mr. Cortesi recapping the December 8th direction from the Board.
- IDNR letter is dated December 29th, 2005 concerning their endangered species review.
- Memo dated January 6th, 2006 from the Park Board Chairman Chris Leinhardt concerning the proposed park land dedication and proposed improvements.
- Report from Mr. Silhan dated February 2nd, 2006.
- Memo from Chris Caldarella dated February 3rd, 2006, received via e-mail on February 7th, 2006.
- Internal memo letter dated February 8th from Senior Planner Dustin Nilsen concerning the West Shore Pipeline Company.

Mr. Silhan asked if there will be any conflict with the West Shore Pipeline and the proposed underground water and sanitary sewer that it will be crossing.

Mr. Ulatowski responded that he personally designed the crossings on the preliminary engineering and has set them at two or three feet below where the gas main will be. In final engineering they will go out and dig up the gas main at the crossings because no one can be sure they built it completely straight. They have the ability to go underneath the gas main in all cases. There is only three feet of cover, so you can't go over the top, he further explained.

Attorney asked if they were going to be in castings.

Mr. Ulatowski replied that it depends on how close. If they can get far enough below, it just goes in a steel pipe. If close, a water main will go in a casing for 20, 30 feet. If anything should happen, it can be pulled out, fixed, and put back without having to dig up the whole thing.

Attorney Magna asked if they were willing to do that for all utilities.

Mr. Ulatowski answered for any utility crossing that the gas company requests.

Attorney Magna asked if it will be encased.

Mr. Ulatowski responded it will be encased or covered depending on their request.

Mr. Silhan asked if a lift station was anticipated to be required.

Mr. Ulatowski replied just the one that's shown on the plan can work out the grades and service the whole site.

Mr. Silhan asked during what phase the water tower would be anticipated to be constructed.

Mr. Ulatowski responded it would be contemporaneous with Phase I.

Mr. Silhan asked if a north/south trail system is going to be included in the plan.

Mr. Ulatowski responded yes that it will go up the existing pipeline and be gravel because it can not be paved.

Attorney Magna asked if it was going to be similar to what the forest preserve did.

Mr. Ulatowski replied yes it will be four to six inches compacted so it can be used as walking path and off-road bikes can ride it.

Attorney Magna asked if it is intended to be dedicated to the Village or privately owned.

Mr. Ulatowski responded that they would gladly donate to the Village.

Attorney Magna stated that needs to be discussed but it would be nice to have an integrated trail system.

Chairman Burdick asked if that is their property or the gas company.

Mr. Ulatowski replied no, it is an easement.

Mr. Silhan reiterated from his written report that the preliminary plan prior to any final approval by recommendation from the Board or final approval by the Village Board be revised to resolve any outstanding issues, particularly those in the Smith Engineering comment letter. The north/south pedestrian trail has been answered and it would be good to get that documented in some form in the final ordinance, possibly by an exhibit from the developer, that some architectural design standards are approved as part of that preliminary PUD plan, he explained.

He stated the CCRs should be produced along with the requirements in terms of maintenance of the open spaces and some of those other issues. IDNR refers to many restrictions that they are suggesting be included in the covenants, conditions and restrictions, he further stated.

He explained that the plan needs to be in full compliance with the Lake County watershed development ordinance as well as local, state and federal regulations. Some of the other recent PUDs refer to the erosion control recommendations out of the Lake County Soil and Water Conservation District report.

Mr. Silhan requested to include a requirement when there is a stub-end street or a street that is anticipated for some future extension, that the developer provide signage that indicates that the street is at some point in the future going to be extended further to make it known for prospective home buyers.

Member Ipsen stated that there have been a lot of objections brought up by engineering and planning. There have been items that have been brought up about sewage and items brought up about the high pressure gas line going through the property. There isn't any documentation pertaining to the gas line. The people of Antioch and this community have to be protected with a development of this magnitude, he stated.

He asked that the water tower location be provided, transportation counts on 45, conversations with Lake County sewage, covenants for the subdivision provided in writing before permission can be granted from him personally.

Member Kaiser agreed with Member Ipsen.

Member LaReese agreed as well.

Member Keller agreed, with the inclusion of a phasing plan.

Member Baba stated that with the amount of time for the conversation to take place without the understanding of how many phases are in the project, unsure about water capacity as far as what is needed, how it's going to be done and what configuration the property will be in after these items are placed; the comfort level is not there. The developer is not prepared in having something more definitive. The project is liked but it is not defined, he further explained.

Chairman Burdick explained that it is a beautiful plan but it might not be the same plan when it is complete. Everything is being agreed with but the thought of having a water tower in the middle of a block is a little scary, he mentioned.

Mr. Cortesi stated that the sewer process is a process. It's not possible to come back in 30 days and have a different process because it is not a process he has anything to do with. First a preliminary site plan will be provided, returned to Lake County and then staff will make the arrangement for the sewer which is a process between the Village of Antioch and Lake County.

He further stated that in regards to the water they are prepared to provide an adequate water supply for the project. The covenants can be written and brought in, traffic study will be updated and phasing plans will be provided.

Member Ipsen asked if they spoke with Mr. Blake about trespassing.

Mr. Cortesi replied that he was worried as well.

Member Ipsen asked about the concerns with the PH of the pond on Mr. Blake's property.

Mr. Blake explained that it's not PH he's worried about, but oils, greases, run-off and pesticides.

Mr. Cortesi mentioned that they are dealing with the Department of Natural Resources on their recommendations.

Attorney Magna asked if a continuance was being requested.

Mr. Cortesi responded that he would like to request a 30-day continuance.

Mr. Silhan explained that 28 days prior to the hearing or the continuation is typically when it is requested so that staff has time to review.

Member Baba stated that the transcript would reflect the things that need to be done and perhaps 28 days is too short of a window.

Attorney Magna mentioned that was a good point and the transcript should be available in order to make sure all of the yes answers are clearly reflected.

Member Baba asked how long it would take to transcribe everything that has been said, distribute to everybody and get things done, another 60 days would be more feasible, he mentioned.

Chairman Burdick asked if the hearing is going to be scheduled that it be separate from other hearings.

Mr. Silhan stated he will inform the petitioners that the agenda for the second Thursday in April is full if that is what the Board wants to do.

He asked how the fourth Thursday in April was looking for everyone.

Mr. Johnson asked the record to show that Mr. Blake asked the developer to put up no less than a six-foot fence around his property to protect his property and that it is taken care of by the homeowners association.

Mr. Joe Heilguise of Lindenhurst asked how many of these big box stores would want to come in without all of these new developments. He will be impacted by the development because of the school districts; the money is all pulled together. If you don't like what moves in next to you, it is not the person that moves in to stop what you don't like. Unless you have enough money to isolate yourself with a big enough piece of property, he can't see where the person developing their property has to make everybody else happy, he mentioned.

There is going to be a big economic boom to the city, this means jobs, which means money that stays in the community. There is a lot of economic gain for the whole surrounding area he explained.

Mr. Shapiro asked to clarify what is needed before they return such as CCRs, explanation about the Lake County SSA, a phasing plan subject to the water tower which they will work with the Village on, update or supplement the transportation study with respect to Highway 45 and some sort of document regarding conversations with the pipeline company.

Member Baba mentioned a time line of conversations and then a submittal time line was needed to make sure everything is completed.

Mr. Shapiro explained that they respond as quickly as possible to the staff reports but some of the staff reports came in as recently as two days ago. The information will be turned around as quickly as possible.

Attorney Magna mentioned that this is a PUD and certain conditions can be added to these projects. There was testimony and requests made about a fence and a buffer at the north end. The developer should be aware of additional requests so they can access it in light of their project budget, make their decision on what they are going to do, and have an answer to the question instead of speculating.

MOTION:

Member Ipsen moves to continue PZB 05-13 to April 27, 2006 pending items requested per the transcript. Member Kaiser seconded the motion.

ROLL CALL:

| | | |
|----------------|---|--------------------------------------|
| YES: | 5 | Ipsen, Kaiser, LaReese, Keller, Baba |
| NO: | 0 | |
| RECUSE: | 0 | |
| ABSENT: | 1 | Cole |

OLD BUSINESS:

PZB 05-14; Requested zoning of B-3, Service and Wholesale Business with a PUD, pending annexation, 22101 W. Route 173 Antioch, IL; PIN 02-16-400-013; development and expansion of an Antioch Tire Building.

PUBLIC COMMENT:

The recording secretary administered the oath to the public.

DISCUSSION:

Mr. Tony Lavelle, owner of Antioch Tire located at 115 Route 173, explained that the property in question is approximately 8.8 acres located in unincorporated Lake County and zoned for commercial use. It is a pole barn type building and approximately 7400 sq. ft. The building is currently used for selling floor scrubbing machines. Parking is on the west and north side of the building. The property is accessed by a right-in right-out in front of the property and a full access about 100 ft. east of Antioch Tire. A portion of his property was donated so the road could be widened, he further explained.

He mentioned that he would like to relocate Antioch Tire into the building and expand the building by adding 30' extending out towards the west and then to cut it back to the south to put the bays in.

The design for the building has two 1100 sq. ft. areas for two spaces that he would like to lease. The warehouse is 3000 sq. ft. The parking would be along the 173 corridor and there is additional landscaping to hide the parked cars, he explained.

He stated that the current building was sold to Raymond Chevrolet so they could expand their services which would also generate more tax dollars. With the expansion, there will be more sales, therefore generating more tax dollars. It is important to have a bright new shiny free standing building to be able to stand up to the competition. The building is part add on, part rebuilt and completely refaced all the way around, he further stated.

Mr. Neil Anderson, attorney for the petitioner, asked if he could access the property through the Antioch Tire parking lot.

Mr. Lavelle answered yes.

Attorney Magna asked if there will be a cross easement.

Mr. Anderson asked Mr. Lavelle if he would be opposed to providing a written cross access agreement.

Mr. Lavelle responded he doesn't have a problem with that.

Mr. Anderson mentioned that there are plans in regards to accessing the corner property, not an improved road as a structure, but an access point. Would he be willing to provide a cross easement from this property to the continuous property, he asked.

Mr. Lavelle replied yes.

Mr. Anderson asked if connections could be made from this property to the continuance property other than those two points from a practical standpoint.

Mr. Lavelle answered no.

Mr. Anderson asked if it was because the wetlands would then be accessed.

Mr. Lavelle replied that is correct.

Mr. Anderson asked if any of the construction of the building or lot went directly into the wetlands.

Mr. Lavelle responded no.

Mr. Lavelle mentioned that there is a landscape plan; pampas grass is included which is for wetland type environments. Bushes are included, as to protect and act as a barrier for the cars.

Mr. Anderson asked if he could comply with the 25' buffer at the edge of the road.

Mr. Lavelle replied no because he is trying to stay out of the wetlands.

Mr. Anderson asked if the 25' strip was the same as the one that was given to the Village for the widening of the roads.

Mr. Lavelle answered correct.

Mr. Anderson asked if the development would require any extra utilities.

Mr. Lavelle responded sewer and water.

Mr. Anderson asked if most of the open space would still remain open.

Mr. Lavelle replied yes.

Mr. Anderson asked if the transition between this property and the continuous properties would be changing in anyway.

Mr. Lavelle answered that it would be the same.

Mr. Anderson asked what type of work would be done on the property.

Mr. Lavelle replied the same as now; servicing vehicles.

Mr. Anderson asked if work was done with hazardous materials.

Mr. Lavelle responded oil, no gasoline, and all Illinois and Federal guidelines were followed.

Mr. Anderson asked if the use for the property was in conformity with the Village's overall concept plan.

Mr. Lavelle replied yes.

Tracy Richard, Civil Engineer, with Manhard Consulting mentioned that several items have been designed in regards to the best management practices to collect storm water and to treat it in the best fashion possible before it is released into the wetlands to the rear.

He explained that they would take the storm water from the parking lot area, convey the flow overland to a bio-swale, separate into the catch basin with an oil and grease separator and discharge it in a pocket in the back created with wetland planting. Because

of the size and what is being done it does not meet the minimum requirements per SMC Lake County on storm water issues, he further explained.

Mr. Anderson asked if the building or parking lot was going to be constructed in any part of the wetlands.

Mr. Richards responded that the parking lot is outside the wetlands and the areas of reconstruction is being done in areas already disturbed, meaning have something other than grass area that currently exists.

Mr. Anderson asked if there was any other ways to create connectivity between the continuous properties and the subject's property other than the driveways already depicted.

Mr. Richards answered no.

Mr. Anderson asked what type of plan is in place for storm water run-off.

Mr. Richards replied that everything goes straight into the wetlands.

Member Baba asked if the driveway off Deep Lake Rd. is connected.

Mr. Lavelle explained that a barrier curb was installed.

Member Ipsen asked if he is in control of the property to the east.

Mr. Lavelle responded that his brother owns that property.

Chairman Burdick asked how many parking spaces will be installed.

Mr. Lavelle answered they would like to put 44 in, there is little to no parking right now, he mentioned.

Chairman Burdick asked if the parking spaces are right up to Rt. 173.

Mr. Richards explained that it is a real challenge of the site to keep away from the buffer and wetlands which is why the parking is in the front.

Mr. Dustin Nilsen stated that generally the building code B-3 zone in that area is in conformance with the comprehensive plan; the Rt. 173 corridor plan that was adapted does promote a commercial user. The area is a high profile area that has received a lot of attention from the Village who has spent a lot of money and time to form a vision of what will be of the east-west corridor, he further stated.

He explained that the applicant did provide architectural elevations which are 100% masonry product, the minimum requirement. It is a difficult site to deal with but being involved in the Rt. 83 corridor study, it is realized that there have been a great deal of missed opportunities of not having underground utilities and having parking right up to the right-of-way with little buffering, he further explained.

He mentioned that with the complications from the widening of the road, it's appreciated that a buffer is trying to be provided where possible, but there is a real concern that the road might be widened again in the future. It may not be full width but the need for turn lanes would render the buffer useless. The function of IDOT is not to improve aesthetics, but to safely and efficiently move vehicles through the town, he further mentioned.

He stated that there does seem to be some opportunity with the applicant agreeing to do cross access but there hasn't been anything said about shared parking. The site needs another site to the west to make it work. There is not sufficient access to pull vehicles in the bays without the cross access, he further stated.

Mr. Nilsen explained that the first project to come in under the Rt. 173 guidelines should set the stage, if the first one that comes through is not meeting the principles agreed upon, then we are starting off on the wrong foot. It's hard to keep some credibility when the first project that comes in and has difficulty with the rules, they get waived. We are not going to recommend a positive recommendation at this point, he further stated.

Member Baba stated that the corridor plan for Rt. 173 called for a buffer. What would be the alteration if the road was widened, when you come to the side of the road how far back would that bring, would there be some more right-of-way taken, he asked.

Dustin replied no but if you look on the plans the extent of the right-of-way really approaches right up to the parking area. The IDOT has been provided everything up to the parking area so a full widening would eliminate anything except the parking to the north, he explained.

Member Baba asked how much space there is when a car pulls out of the bay and where the mechanics were going to park the cars when they are done with them.

Mr. Lavelle explained that there was a large open area that is paved and pointed out the parking areas.

Mr. Nilsen mentioned that the property line is crossed when the site is entered and exited. The site will not function without the access from the west. There hasn't been any talk about cross parking. Also, there is a utility issue, when utility work is done within the proximity to the right-of-way, improvements should follow, he further mentioned.

Mr. Anderson stated that the utilities would be put underground.

Mr. Lavelle asked who the parking was needed to be shared with.

Attorney Magna replied that it would be shared with the adjacent property owners.

Chairman Burdick asked how many vehicles are at the shop at one time.

Mr. Lavelle responded that they would need 15 vehicles for service and 8 for the employees for a total of 23. If there are extra parking spaces he would share, just as long as there are enough parking spaces for his business, he explained.

Chairman Burdick mentioned that if there was a continuous drive then the parking could be shared with his brother next door which could alleviate some of the problem if they take away from the property again.

Mr. Lavelle agreed.

Chairman Burdick asked how the Rt. 173 corridor plan is affected by the plan before the Board.

Mr. Nilsen explained the corridor plan states there needs to be a 25' landscape buffer outside the right-of-way. The main principles are to develop a consistent corridor, a consistent buffer and landscape treatment across the Rt. 173 corridor for the sake of continuity and buildings of image.

Member Baba asked if the corridor plan was taken to the next step.

Mr. Nilsen stated that the ordinance has been adopted.

Member Baba asked if this violates the ordinance.

Mr. Nilsen stated that it is violation with the ordinance.

Chairman Burdick mentioned that the development looks nice and with the guidelines for 173 there has to be some lee way.

Mr. Silhan stated that there are two buffer requirements on the site. One has to do with high quality wetlands to the south and the other with the Rt. 173 corridor study which was adopted as an amendment to the comprehensive plan. The request for an annexation on a PUD can be considered, but the question that has been raised about precedence, is a reasonable question for the Board to consider, he further stated.

Attorney Magna asked if it was impossible for the petitioner to comply with the corridor plan.

Mr. Silhan replied Antioch Tire is to the east and to the west of the site so there might be a solution that involves a broader picture.

Attorney Magna asked if it is common ownership of the adjacent parcels.

Mr. Silhan responded that it has been common ownership but may have changed based on the purchase of this site.

Attorney Magna asked if the opportunity may have been missed, to comply, because of a private business transaction.

Mr. Anderson replied that is not the case.

Attorney Magna explained that if there is a certain level of impossibility there is not a precedent being set for every other parcel that would like to do something different. Is the main issue the parking so there is more buffering up front, he asked.

Mr. Nilsen explained that the location and supply of parking is a huge issue. There may have been an opportunity that may have been overlooked, that could, in this design be utilized to alleviate some of it.

Attorney Magna asked if there were other options that could be closer to the bulls-eye than this one, if they have or would they, be considered in the context of the concerns.

Mr. Nilsen replied that was the purpose of the staff report to raise those issues which they did receive.

Mr. Lavelle stated that originally he wanted a new building but left the existing building because he is trying to make an effort. If there is another alternative besides purchasing another piece of property somewhere else he is willing to do it, he further stated.

Attorney Magna asked if he could acquire more land for additional parking from the adjacent property owner.

Mr. Anderson responded that he feels a little ill-prepared because he was never aware of any parking issues so they haven't had a chance to approach the corporate neighbor.

Mr. Richards explained that he has worked on all three parcels and the minute parking is moved to the adjacent parcel it diminishes that piece of property. The site is not big enough for what everyone wants to develop on there commercially with the wetlands and setback requirements, it's just not there, he further explained.

Attorney Magna asked if the additional 2200 sq. ft. of unrelated retail was what was driving this petition.

Mr. Richards replied that he's trying to take a piece of property and make it stand alone without impacting either property to the east or west.

Mr. Anderson stated that there is a balance between the buffers, setbacks and wetlands, and there isn't anyway to meet the 25' setback. It is an adequate and good balance given that the property is already general commercial and use plus it would be improved by protecting the wetlands both during the development period and after it is built. We can't comply because of the nature of the building and the property, he further stated.

Member Baba mentioned that there is give and take but a lot of money and time went into the corridor plan because it was something that was believed in. The footprint of what is being asked may have to be reduced to accommodate everyone's wishes and what's needed within the ordinance. We heard about the retail that has nothing to do with the need to compete in the tire business and maybe that's where some of the footprint needs to be reduced. Maybe the retail or showroom needs to be reduced, still keeping the warehouse space, then the footprint shrinks to better meet our needs, he explained.

Mr. Lavelle responded that the building is there already, the retail space on the side wouldn't move the building back at all. The placement and the 90' from the front of the existing building to the property line are there. The only thing being done is the extension of 30' west so additional bays can be installed, he further mentioned.

Chairman Burdick asked what the requirement is for the amount of parking spaces needed.

Mr. Nilsen answered between 30 and 40 spaces.

Chairman Burdick asked what kind of set back there would be if they got rid of the first row of parking spaces.

Mr. Nilsen replied that the first row of parking is 20 and wouldn't actually meet the ordinance but it would make them 75% closer.

Chairman Burdick suggested putting trees along the parking to enhance the entrance.

Mr. Richards mentioned doing a possible time commitment for the parking, meaning if and when there's a need for widening, parking in that area would be eliminated.

Mr. Nilsen disagreed and stated that he's not sure if IDOT would allow anything, in terms of planting, in their right-of-way.

Member Baba explained that the increase in the width was for aesthetics of the median and asked if the grassy portion on the shoulder was supposed to be a windy sidewalk.

Mr. Nilsen stated that there is a committed trail on the north side and the 25' buffer on the south side.

Member Kaiser asked if there is a chance for a continuance to check on shared parking agreements.

Mr. Lavelle explained that the added service bays require some depth so the building is going to have to move which would encroach on that area, it would leave about 28' for the trucks to pull around but it will not be enough room to put in a row of cars.

Member Keller mentioned that she is concerned with the ADID wetlands behind the building and asked what kind of buffer there is. It's understood there is supposed to be a 100' buffer but it is no where near that, she further mentioned.

Mr. Nilsen responded that there are some trees and the 100' is only met on the south side, the goal is not to encroach on it any further, he explained.

Chairman Burdick stated it is non-conforming.

MOTION:

Member Baba moves to deny PZB 05-14. Member Keller seconded the motion.

ROLL CALL:

YES: 5 Ipsen, Kaiser, LaReese, Keller, Baba
NO: 0
RECUSE: 0
ABSENT: 1 Cole

OLD BUSINESS:

P&Z Board Bylaws.

DISCUSSION:

Attorney Magna suggested they be called Rules of Procedure instead of Bylaws.

MOTION: Member Baba moved to approve the Rules of Procedure. The motion was seconded by Member Kaiser.

ROLL CALL:

| | | |
|----------------|---|--------------------------------------|
| YES: | 5 | Ipsen, Kaiser, LaReese, Keller, Baba |
| NO: | 0 | |
| RECUSE: | 0 | |
| ABSENT: | 1 | Cole |

MOTION: Member Baba moved to adjourn at 11:52 p.m. The motion was seconded by Member Kaiser.

Motion Carried

Respectfully Submitted,

Katherine A. Gallagher
Permits Coordinator